

CRIMINAL CASE NO. 3:07cr283

MICHAEL MARSHALL

ORDER

The Government now seeks leave to modify the Judgment to provide for restitution in favor of Countrywide Mortgage in the amount of \$574,406.57.

This amount is the total due after application of the proceeds of resale of the collateral. The Defendant has not objected and the reduction is in his best interest.

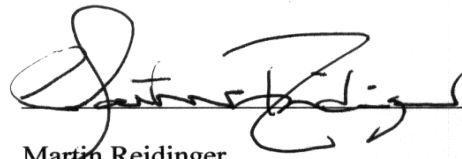
Although this amendment comes more than ninety days after sentencing, this Court retains jurisdiction to amend the order. United States v. Johnson, 400 F.3d 187,199 (4th Cir. 2005), *certiorari denied* 546 U.S. 856, 126 S.Ct. 134, 163 L.Ed.2d 133 (2005); United States v. Zakhary, 357 F.3d 186 (2nd Cir. 2004), *certiorari denied* 541 U.S. 1092, 124 S.Ct. 2833, 159 L.Ed.2d 259 (2004). “[D]istrict courts can enter restitution orders more than ninety days after sentencing provided that the delay does not prejudice the defendant.” Johnson, 400 F.3d at 199. As noted, the amendment here is to the Defendant’s benefit and the Court finds it should be granted. Id.

The Clerk of Court is instructed to prepare an amended judgment for the Defendant amending the amount of restitution due to Countrywide Mortgage to the sum of \$574,406.57 as reflected on page 5a of the judgment. All other terms and provisions of the judgment shall remain the same.

IT IS, THEREFORE, ORDERED that the Government's Motion for Modification of Restitution Order [Doc. 46] is hereby **GRANTED**.

The Clerk of Court is instructed to prepare the amended judgment in accordance with this Order.

Signed: July 5, 2010


Martin Reidinger
United States District Judge

